Richard Pearle Gent. Plaintiff; Sir *William Powel* alias *Hinſon* Baronet, Dame *Mary* his Wife, & *al.* Defendants.

ANſwers to the Objections that may be probably made, againſt the admitting the Plaintiffs Bill in Parliament.

Ob. 1. *The Plaintiff if he had any good Title, would have ſought for Remedy long ſince, it being above 29 years ſince the Ideot* John Pearle, *his elder Brother, died.*

Reſ. 1. Sir *John Bridges*, under whom the Defendants Claim, had by his deſerting the King, and complying with the late uſurped Powers, made himſelf ſo powerfull an Intereſt in *Herefordſhire*, and elſewhere, that the Plaintiff had enough to do to preſerve his perſon, having alwayes adhered to the Kings Intereſt, much leſs to conteſt then with ſo powerfull a man, yet hath alwayes made his Claim.

2. Since His Majeſties happy Reſtauration, the Plaintiff *Richard Pearle* hath alwayes endeavoured the finding out the Records of the Ideory, which he was ſtill in hopes to do, the Clerk of the Lunatick Office, and ſome of the Defendants, having often confeſſed the having them in their cuſtody; but he believes did and doth conceal them, in hopes of a Compoſition, which hath been often offered to the Plaintiff.

Ob. 2. *Sir* John Bridges *paid a valuable Conſideration for the Eſtate.*

Reſ. 1. He gave but 40 *l. per annum* to the Ideot during his life, who had the ſole Eſtate in him: And what he gave to others, was in his own wrong, and for the furthering his deſign.

2. The Eſtate is really worth 420 *l. per annum*; the Grandfather had no other Eſtate, yet was prick'd for Sheriff of the County.

Ob. 3. *The Defendants have gotten a Common Recovery, and though from an Ideot, (yet being one of the Common Aſſurances of the Nation) ought not to be avoided.*

Reſ. Fines and Recoveries obtained by Deſign, Fraud, Force, Covin, and Deceit, are not reckoned the Common Aſſurances of the Nation, and therefore not favoured by the Common Law. Vide *Fermors* Caſe at large, Co. 3 Rep. fo. 77. where it is adjudged by ſix Juſtices, Litt. cap. Remitter 151. *quod alias bonum & juſtum eſt, ſi per vim vel fraudem petatur malum & injuſtum eſt.*

And there is a late Caſe in point between *Leveſton* and *Powel* in both Houſes, where a Fine was damned becauſe it was obtained by Force, Fraud, and Covin.

This Caſe is accompanied with more Deceit, *&c.* than the Caſe cited, or any of the Caſes cited in our Books: For,

1. Sir *John* to get the Ideot into his cuſtody, Petitions his Majeſties Attorney in the year 44. for a Commiſſion *de Ideota inquirendo*; and doth not inform him, that the Ideot was and ought to be a Ward; ſo to carry on his deſign, he firſt begins to deceive his Majeſty.

2. *Francis Rinardes*, *Tho. Tomkins* Eſquires, *& al.* Petition his Majeſties Attorney, informing him of his Ward, and thereupon obtain a Superſedeas to the ſaid Commiſſion, and a new Commiſſion *de diem clauſit extremum*, for finding the Kings Ward; both which the ſaid Sir *John Bridges* did ſuppreſs in the executing thereof, and by force did take them away, and executed his own Commiſſion, and did find the ſaid *John* an Ideot in due form of Law.

3. So by colour of having the cuſtody of the Ideot, did by force take poſſeſſion of his Eſtate, in right of the Ideot as he then pretended; and having gotten the poſſeſſion, he complies with the Parliament, and then falſifies the Truſt committed to him in the preſervation of the Ideot. Vide Stat. Prærogativæ Regis. *Ita quod nullatenus per eoſdem fatuos alienentur, nec quod eorum hæredes exhæredentur.*

4. For having by ſuch Force, Covin, Fraud, and Deceit, gotten the Ideot into his ſole poſſeſsion, procures him to ſuffer a Recovery; and that *by Attorney*, and makes his *Menial Servants* his *Commiſſioners.*

So that where Deſign, Force, Fraud, and Covin, are the ſupporters of an Aſſurance, be it Fine, Common Recovery, or otherwiſe, the Law will not call it one of the Common Aſſurances of the Nation. *Vide* the Preamble of the Statute of 4 *Hen.* 7. cap. 24. 41. Aſſ. Pla. 28. 44. *E.* 3. 25. 12 *Eliz.* 295. *Dier.*

Ob. 4. *There hath been ſeveral other Fines and Aſſurances paſſed of the Eſtate, ſince that Recovery.*

Reſ. 1. Thoſe that Claim under an Eſtate got by Covin, ſhall be in the ſame plight as thoſe that got the Eſtate by Covin. 39 *E.* 3. Br. Remitter 47. Littlet. 678.

2. And if any be, 'tis by one of the Defendants to the other, who are parties or privies to the firſt Recovery.